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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/940,828	08/27/2001	Daniel John Feyma	24,954-121	5454

7590 09/20/2004

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EXAMINER

MAMMEN, NATHAN SCOTT

ART UNIT	PAPER NUMBER
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3671

DATE MAILED: 09/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/940,828

Applicant(s)

FEYMA ET AL. 25

Examiner

Nathan S Mammen

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-34 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Specification

1. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

2. The abstract of the disclosure is objected to because the word "said" is in the abstract.

Correction is required. See MPEP § 608.01(b).

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 3-4, 6-8, 12, 14, 17-19, 23-25, 29-30, 32, 33 are rejected under 35

U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,184,916 to Thoer.

The Thoer '916 patent discloses a maintenance machine. The machine comprises a main sweeper brush (113) for engaging the debris and turf fill and transferring the debris toward a debris hopper. The machine further comprises a filter element (71, 72) for receiving transferred debris and turf fill material and separating the debris from the turf fill. The debris is sent to a

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hopper for subsequent disposal, and the turf fill is returned to the ground. While the Thoe '916 patent discloses the maintenance machine being used on sand, rather than turf, the Thoe machine is inherently capable of being used on a natural turf surface, such as a sandy surface having grass growing on it.

Regarding claims 3-4, 6-8, 14-15, 17-19, 23-25, 29-30, 32, 33: The filter device includes multiple filter stages (71, 72) and includes a metal screen (91). The machine includes a movable planar turf engagement structure (92).

5. Claims 26-28 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,940,928 to Erko.

The Erko '928 patent discloses a maintenance machine comprising a main sweeper brush (26) for engaging a surface and transporting debris to a hopper (28) and a surface grooming device (44) disposed rearwardly of the main sweeper brush. The surface grooming device is movably coupled (46) to the machine. The machine is inherently capable of cleaning turf.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-3, 5-7, 9-14, 16-18, 20-24, 29-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,940,928 to Erko in view of U.S. Patent No. 5,562,779 to Allaway et al.

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The Erko '928 patent discloses a maintenance machine comprising, inter alia, a main sweeper brush (26) a hopper (26), an engaging structure (42), and a movable grooming device (44). The Erko '928 patent is inherently capable of being used on turf surfaces. But the Erko '928 patent is concerned with collecting debris, not with returning turf fill material to the turf. The Allaway '779 patent also discloses a maintenance machine for collecting debris from turf surfaces. However, the Allaway '779 patent also recognizes that turf fill material will be collected too and should be returned to the turf surface. Therefore, the Allaway '779 patent provides a filter mechanism (see generally Fig. 1) that separates debris from turf fill material. The debris is discarded, and the turf fill material is sent back to the turf (19, 20). It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the maintenance machine of the Erko '928 patent with the filter mechanism of the Allaway '779 patent, in order to enable the Erko maintenance machine to perform necessary cleaning of turf surfaces (Allaway – col. 1, lines 36-41) while still returning the turf fill material to the turf after cleaning.

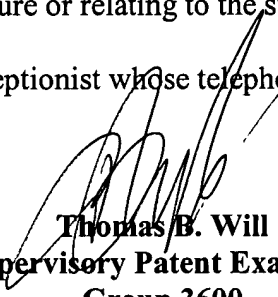
Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nathan Mammen whose telephone number is (703) 306-5959. The examiner can normally be reached Monday through Thursday from 6:30 a.m. to 5:00 p.m.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas B. Will, can be reached at (703) 308-3870. The fax number for this Group is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-1113.



Thomas B. Will
Supervisory Patent Examiner
Group 3600

NSM
9/15/04

Nathan S. Mammen